

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Enicka S. Whicker,

Plaintiff,


v.

Science Applications International
Corporation, Erwin Mayes, and
Richard Daniels,

Defendants.

Civil Action No. 2:11-3193

ORDER

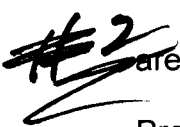


This matter is before the Court upon the Plaintiff's complaint against Defendants Science Applications International Corporation, Erwin Mayes, and Richard Daniels. The Plaintiff, who is represented by attorney Blair C. Jennings, filed her complaint on November 22, 2011. On April 25, 2012, Magistrate Judge Bruce Howe Hendricks issued a text order noting that the Plaintiff had not yet filed proof of service for Defendant Erwin Mayes or Defendant Richard Daniels and that the 120-day time period set forth in Rule 4(m) of the Federal Rules of Civil Procedure had expired. The Magistrate Judge therefore ordered the Plaintiff to file proof of service of these Defendants on or before May 9, 2012, and warned the Plaintiff that Defendants Mayes and Daniels may be dismissed without prejudice if the Plaintiff failed to file the necessary proof of service. Despite this order, the Plaintiff filed nothing. Therefore, on June 6, 2012, the Magistrate Judge issued a report and recommendation ("R&R"), outlining the situation and recommending that the Court dismiss Defendants Mayes and Daniels without prejudice pursuant to Rule 4(m). Attached the R&R was a notice advising the Plaintiff of her right to file written objections to the R&R

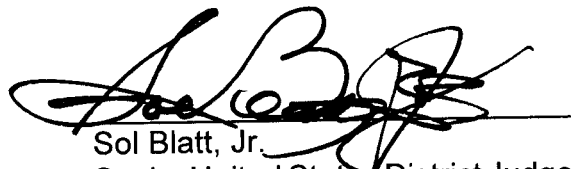
within 14 days of the date of service. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. As the Magistrate Judge noted, Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Here, the Plaintiff has not filed proof of service of Defendants Mayes and Daniels and has not argued that good cause supports the failure to file proof of service. In fact, the Plaintiff has filed nothing to show any interest in proceeding with her case against Defendants Mayes and Daniels. Therefore, after review, the Court agrees with the Magistrate Judge that dismissal of these Defendants without prejudice is appropriate. Accordingly, it is hereby

ORDERED that the R&R (Entry 18) is adopted, and Defendants Mayes and Daniels

 are dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

June 27, 2012
Charleston, South Carolina